

REMARKS

The Non-Final Office Action mailed June 8, 2010, has been received and carefully noted. Claims 1-13 and 15-17 were presented and examined.

Please amend the claims as shown above. Claims 1-17 have been cancelled. New claims 18-35 have been added. Support for the new claims can be found in at least page 10 line 21 to page 13 line 34. The new claims include no new matter.

Favorable reconsideration of the pending claims is respectfully requested in view of the amendments and the following comments.

I. Claims Rejected Under 35 U.S.C. §103

Claims 1, 5, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0016002 to Handelman (“Handelman”) in view of U.S. Patent Application Publication No. 2004/0123332 to Hanson (“Hanson”). The Applicants have cancelled claims 1, 5, and 17.

Claims 2-4, 9, and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Handelman in view of Hanson as applied to claims 1 and 5 above, and further in view of U.S. Patent No. 6,941,341 issued to Logston et al. (“Logston”). The Applicants have cancelled claims 2-4, 9, and 10.

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Handelman in view of Hanson as applied to claim 5 above, and further in view of U.S. Patent No. 6,487,723 issued to MacInnis et al. (“MacInnis”). The Applicants have cancelled claim 6.

Claims 7, 8, 11, and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Handelman in view of Hanson, Logston, and MacInnis. The Applicants have cancelled claims 7, 8, 11, and 12.

Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Handelman in view of Hanson and Logston as applied to claim 10 above, and further in view of U.S. Patent No. 6,078,951 issued to Pashupathy et al. (“Pashupathy”). The Applicants have cancelled claim 13.

Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Handelman in view of Hanson as applied to claim 5 above, and further in view of U.S. Patent No. 6,237,039 issued to Perlman et al. (“Perlman”). The Applicants have cancelled claim 15.

Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Handelman in view of Hanson and Perlman as applied to claim 15 above, and further in view of MacInnis. The Applicants have cancelled claim 16.

II. New Claims 18-35

New independent claim 18 recites the following:

A method for receiving downloadable data in a data broadcast receiving apparatus, comprising the steps of:

determining whether there is a downloadable data information descriptor in a broadcast stream which is received through a broadcast channel and includes the downloadable data;

extracting downloadable data identification from the downloadable data information descriptor;

determining the kind of the downloadable data based on the extracted downloadable data identification; and

upgrading predetermined data in the data broadcast receiving apparatus using the downloadable data according to the kind of the downloadable data.

The Applicants submit that Handelman (U.S. Application Publication No. 2004/0016002) (“Handelman”) does not teach each and every element of new claim 18.

In Handelman, a user of a user unit transmits via a communication network to a hardware configuration provider a request to reconfigure a configurable hardware device in the user unit. In response to the request of the user, the hardware configuration provider transmits via the communication network a circuit reconfiguration of the configurable hardware device. See Handelman, paragraphs [0138] and [0139] and FIG. 6. The circuit reconfiguration transmitted

from the hardware configuration provider to the user unit is included in an applet which includes an application program and a circuit reconfiguration file. See Handelman, paragraph [0116].

However, Handelman does not teach the element “determining whether there is a downloadable data information descriptor in a broadcast stream which is received through a broadcast channel and includes the downloadable data.” Handelman does not disclose that the circuit reconfiguration transmitted from the hardware configuration provider also includes a downloadable data information descriptor in addition to the circuit reconfiguration file. Rather, the hardware configuration provider does not include a downloadable information descriptor with the circuit reconfiguration file because the circuit reconfiguration is transmitted to the user unit in response to the user’s request. Furthermore, because a downloadable data information descriptor is not included with the circuit reconfiguration, the user unit does not determine whether there is a downloadable data information descriptor in the broadcast stream used to transmit the circuit reconfiguration.

Similarly, Handelman does not teach the elements “extracting downloadable data identification from the downloadable data information descriptor” and “determining the kind of the downloadable data based on the extracted downloadable data identification” because a downloadable information descriptor is not included in the broadcast stream used to transmit the circuit reconfiguration. Because there is no downloadable information descriptor, the user unit in Handelman does not extract downloadable data identification from the downloadable data information descriptor and does not determine the kind of downloadable data based on the extracted downloadable data identification.

The Applicants note that MacInnis does not teach the element “determining whether there is a downloadable data information descriptor in a broadcast stream which is received through a broadcast channel and includes the downloadable data.” In MacInnis, each terminal receives a module descriptor table from the network from a known channel and then receives a module from a separate channel using a module address extracted from the module descriptor table. See MacInnis, column 4 lines 22-43. However, MacInnis does not teach that a broadcast stream includes a downloadable data information descriptor and downloadable data. Rather, MacInnis accesses the network twice to receive the downloadable data information descriptor and the

downloadable data. In contrast, the downloadable data information descriptor and the downloadable data are included in the same broadcast stream in Applicants' claim 1.

The Examiner does not indicate and the Applicants do not discern any part of Hanson, Logston, Pashupathy, and Perlman that cures the aforementioned deficiencies of Handelman and MacInnis regarding new claim 18. New claims 19-26 depend from independent claim 18 and thus incorporate the respective limitations thereof. For at least the reasons mentioned in regard to claim 18, claims 19-26 are not obvious over the cited references. Accordingly, the Applicants believe claims 18-26 are in condition for allowance.

New independent claim 27 includes elements analogous to those discussed above in regard to claim 18 including "a demultiplexing component to demultiplex a broadcast stream which is received through a broadcast channel and includes the downloadable data" and "a download processing component to determine whether there is a downloadable data information descriptor in the broadcast stream demultiplexed in the demultiplexing component and to determine the kind of the downloadable data based on downloadable data identification extracted from the downloadable data information descriptor." New claims 28-35 depend from independent claim 27 and thus incorporate the respective limitations thereof. For at least the reasons mentioned in regard to claim 18, claims 27-35 are not obvious over the cited references. Accordingly, the Applicants believe claims 27-35 are in condition for allowance.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

PETITION FOR EXTENSION OF TIME

Per 37 C.F.R. §1.136(a) and in connection with the Office Action mailed on June 8, 2010, Applicants respectfully petition Commissioner for a two (2) month extension of time, extending the period for response to November 8, 2010. The amount of \$245.00 to cover the petition filing fee for a 37 C.F.R. §1.17(a)(2) small entity will be charged to our Deposit Account No. 02-2666.

Respectfully submitted,

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Dated: November 1, 2010

By: _____

Eric S. Hyman, Reg. No. 30,139

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office.

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November 15, 2010

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